

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

VITAL PARTNERSHIP) **8:10CV402**

Plaintiff)

v.)

KELLY FOREHAND)

Defendant)

**ORDER OF DISMISSAL
WITHOUT PREJUDICE**

THIS MATTER comes before the Court on the Plaintiff's filing of a Notice of Dismissal, pursuant to Rule 41(a)1 F.R.C.P.

BEING FULLY ADVISED IN THE PREMISES, the Court finds that the Plaintiff's notice of dismissal is within the scope of Rule 41(a)1, the Defendant having filed neither an answer nor a motion for summary judgment. The Court further finds that the Plaintiff has not previously dismissed this matter against the same Defendant.

IT IS THEREFORE ORDERED, that the above entitled action is dismissed without prejudice to re-filing.

DATED this 17th Day of December, 2010

BY THE COURT:

s/ Joseph F. Bataillon
CHIEF DISTRICT JUDGE